SUBJECT INDEX

PAGE

I.

The petition for writ of certiorari should be denied..... 1

II.

Conclusion 2

TABLE OF AUTHORITIES CITED

CASES PAGE

Atlantic Coast Line R. Co. v. Powe, 293 U. S. 401..... 2

Cincinnati, N. O. & T. P. R. Co. v. Slade, 216 U. S. 78..... 2

El Paso & Southwestern R. R. Co. v. Weikel, 226 U. S. 590.... 2

IN THE

Supreme Court of the United States

October Term, 1949
No. 356

MAE TAYLOR,

Petitioner,

vs.

MUNICIPAL COURT OF THE CITY OF LOS ANGELES and the HONORABLE BYRON J. WALTERS, JUDGE THEREOF,

Respondent.

BRIEF OF RESPONDENT IN OPPOSITION TO THE GRANTING OF WRIT OF CERTIORARI.

I.

The Petition for Writ of Certiorari Should Be Denied.

The petition filed herein shows that no opinion or judgment was made by the District Court of Appeal or by the Supreme Court of the State of California. The petition indicates that an opinion was rendered by the Appellate Department of the Superior Court, a court of last resort in criminal cases arising in a municipal court, but fails to disclose that any federal question was presented, noticed or decided therein.

The appellate jurisdiction of the United States Supreme Court over a state court cannot be based upon the supposed denial of a federal right which was not urged in

the trial court or called to the attention of or decided by the state appellate court.

Cincinnati, N. O. & T. P. R. Co. v. Slade, 216 U. S. 78.

This court has stated:

". . . the assertion of Federal rights in an unsuccessful application to the Suureme Court of the State for a writ of error raises no question that is reviewable in this court."

El Paso & Southwestern R. R. Co. v. Weikel, 226 U. S. 590, 598.

A denial of a writ of certiorari imports no expression of opinion upon the merits of the case.

Atlantic Coast Line R. Co. v. Powe, 293 U. S. 401.

II.

Conclusion.

The petition for writ of certiorari does not disclose a clear and convincing showing that there has been a violation of petitioner's rights under the Federal Constitution, nor does it show that the highest court of the State of California has decided a federal question in conflict with applicable decisions of this court, or decided a federal question of substance not theretofore determined by this court.

Respondent prays that the petition be denied.

Respectfully submitted,

RAY L. CHESEBRO,
DONALD M. REDWINE,
PHILIP E. GREY,
BOURKE JONES,
Attorneys for Respondent.